

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 JOSEPH COPPOLA,

4 Petitioner

5 v.

6 UNITED STATES OF AMERICA, et al.,

7 Respondents

Case No.: 2:19-cv-1685-JAD-DJA

Order Dismissing Action

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9 Petitioner has submitted what he styles as a “pre-indictment common law writ of habeas
10 corpus.” But because he has failed to submit an application to proceed in forma pauperis or pay
11 the filing fee this case has not been properly commenced, so I dismiss it on that basis.¹ Even if I
12 were not dismissing it for that reason, it would still be subject to dismissal. From what I can
13 discern from Coppola’s filing, he apparently was arrested, but the charges were dismissed. He
14 appears to seek a declaration that laws prohibiting felons from possession of firearms violate the
15 Second Amendment. In any event, he sets forth no discernible factual allegations cognizable in
16 federal habeas and no discernible, plausible factual allegations that would state a claim for which
17 relief may be granted. Petitioner’s submission is thus frivolous.

18 **IT IS THEREFORE ORDERED** that the Clerk is directed to detach and file the
19 petition (ECF No. 1-1).

20 **IT IS FURTHER ORDERED** that this action is **DISMISSED** as improperly
21 commenced and frivolous.

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¹ 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

1 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED** because
2 jurists of reason would not find the court's dismissal of this improperly commenced action
3 without prejudice to be debatable or incorrect.

4 **IT IS FURTHER ORDERED** that the Clerk is directed to ENTER JUDGMENT
5 accordingly and CLOSE THIS CASE.

6 Dated: October 16, 2019

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9 U.S. District Judge Jennifer A. Dorsey
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